

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORDER

Sheryl A. Franklin v. Astrazeneca
Pharms., L.P., et al.; No. C 06-1335
SBA

Quincy L. Alderson v. Astrazeneca
Pharms., L.P., et al.; No. C 06-0621
SBA

Jeffrey C. Boal v. Astrazeneca Pharms.,
L.P., et al.; No. C 06-0548 SBA

Dorothy L. Cameron v. Astrazeneca
Pharms., L.P., et al.; No. C 06-1341
SBA

Betsy B. Dean v. Astrazeneca Pharms.,
L.P., et al.; No. C 06-1850 SBA

Mary R. Geones, et al. v. Astrazeneca
Pharms., L.P., et al.; No. C 06-0580
SBA

Joseph Hernandez v. Astrazeneca
Pharms., L.P., et al.; No. C 06-1318
SBA

Joy D. Orie v. Astrazeneca Pharms.,
L.P., et al.; No. C 06-0542 SBA

Clinton W. Sprung v. Astrazeneca
Pharms., L.P., et al.; No. C 06-0626
SBA

Winifred P. Thomas v. Astrazeneca
Pharms., L.P., et al.; No. C 06-0659
SBA

Raymond E. Weldon v. Astrazeneca
Pharms., L.P., et al.; No. C 06-0615

1 SBA)
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3 Bridgette R. Jones v. Astrazeneca)
4 Pharms., L.P., et al.; No. C 06-1485)
5 SBA)
6 Cheryl Levy v. Astrazeneca Pharms.,)
7 L.P., et al.; No. C 06-0613 SBA)
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8 Having reviewed and considered the papers and arguments submitted in the above-captioned
9 matters, the Court HEREBY ORDERS the following:

10 Plaintiffs' Request for Judicial Notice filed in both Case No. C 06-1341 SBA [Docket No.
11 17] and Case No. C 06-1485 SBA [Docket No. 14] and plaintiff's requests for judicial notice in
12 Plaintiffs' Motion for Administrative Relief; Request for Order Approving Dismissal Without
13 Prejudice filed in Case No. C 06-1485 SBA [Docket No. 21] are DENIED AS MOOT because the
14 Court has not relied on the noticed materials in reaching its conclusions.

15 Plaintiffs' Motion for Administrative Relief; Request for Order Approving Dismissal Without
16 Prejudice filed in the following cases are DENIED AS MOOT: C 06-0548 SBA [Docket No. 9], C
17 06-0542 SBA [Docket No. 14], C 06-0580 SBA [Docket No. 13], C 06-0615 SBA [Docket No. 9], C
18 06-0626 SBA [Docket No. 9], C 06-0621 SBA [Docket No. 7], C 06-0659 SBA [Docket No. 9], and
19 C 06-0613 SBA [Docket No. 14]. The Court is without jurisdiction to dismiss these cases in their
20 entirety, as the claims against AstraZeneca Pharmaceuticals L.P. and AstraZeneca L.P. have been
21 transferred to the Middle District of Florida, pursuant to 28 U.S.C. § 1407. *In re Multidistrict*
22 *Private Civ. Treble Damage Litig. Involving Plumbing Fixtures*, 298 F. Supp. 484, 496 (J.P.M.L.
23 1968) ("[A]fter an order changing venue the jurisdiction of the transferor court ceases; and . . .
24 thereafter the transferor court can issue no further orders, and any steps taken by it are of no effect.")

25 The Stipulation and Request for Voluntary Dismissal of Defendants Janssen, L.P.; Janssen
26 Pharmaceutica, Inc.; and Johnson & Johnson filed in Case No. C 06-0659 SBA is GRANTED.

27 Plaintiffs' Request for Judicial Notice filed in Case No. C 06-0613 SBA [Docket No. 14] is
28 DENIED AS MOOT because the Court has not relied on the noticed materials in reaching its

1 conclusions.

2 Plaintiffs' Motion for Administrative Relief; Request for Order Approving Dismissal Without
3 Prejudice filed in the following cases are GRANTED and the following cases are DISMISSED
4 WITHOUT PREJUDICE AND WITHOUT CONDITIONS: C 06-1335 SBA [Docket No. 15], C 06-
5 1341 SBA [Docket No. 14], C 06-1850 SBA [Docket No. 13], and C 06-1318 SBA [Docket No. 12].
6 Plaintiffs' Motion for Administrative Relief; Request for Order Approving Dismissal Without
7 Prejudice filed in C 06-1485 SBA [Docket No. 21] is GRANTED and defendants AstraZeneca
8 Pharmaceuticals, L.P., and AstraZeneca, L.P., are DISMISSED from the case WITHOUT
9 PREJUDICE AND WITHOUT ANY CONDITIONS. "A district court should grant a motion for
10 voluntary dismissal under [Federal Rule of Civil Procedure] 41 unless a defendant can show that it
11 will suffer some plain legal prejudice as a result." *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir.
12 2001). In the dismissed cases listed above, Defendants have failed to show that they will suffer
13 plain legal prejudice from dismissal. Further, the Court grants dismissal without conditions because
14 the conditions proposed by Defendants are unnecessary and unduly restrictive.

15 Plaintiff's original Motion for Administrative Relief; Request for Order Approving Dismissal
16 Without Prejudice filed in C 06-1485 SBA [Docket No. 8] is DENIED AS MOOT, as it is
17 superceded by the Motion filed in Docket No. 21 of that case.

18 Because the Court has granted Plaintiffs' motions for dismissal in the following cases,
19 AstraZeneca's Motions to Stay filed in those cases are DENIED: C 06-1335 SBA [Docket No. 19], C
20 06-1341 SBA [Docket No. 20], C 06-1850 SBA [Docket No. 19], and C 06-1318 SBA [Docket No.
21 16], C 06-1485 SBA [Docket No. 24].

22 Going forward, the parties should take care to adhere to the Local Rules of the Court.

23 IT IS SO ORDERED.

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25 Dated: 8/22/06

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27 SAUNDRA BROWN ARMSTRONG
28 United States District Judge